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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/690,141

10/21/2003

Krishnamachari Gopalan

5709-167

6046

7590

02/10/2006

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EXAMINER

THOMPSON, HUGH B

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/690,141

Applicant(s)

GOPALAN, KRISHNAMACHARI

Examiner

Hugh B. Thompson II

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8, 10-21, 23 and 24 is/are rejected.
- 7) ☒ Claim(s) 4, 9, 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claim 1, it is unclear relative to what the veneer is visible. Is it visible when attached to the vehicle? Is it visible after it has been extruded? Correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5-8, 10, 12-15, 17-20, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards #5,183,613 in view of Ruepping #6,733,846. Edwards, as recited in column 4, lines 14-32, column 6, lines 43-61, column 7, lines 53-58, column 8, lines 4-35-45, and column 19, lines 49-67, discloses a method of extruding/curing a seal 1, the seal having an extruded body portion 2 (also with an external surface) that can be made of EPDM or nitrile rubbers containing unsaturated epoxy-containing monomers such as glycidyl acrylate or glycidyl methacrylate, and a layer 5 that can be made of polyolefin and other polymers, which is

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co-extruded onto the body portion and is “visible” to the naked eye when so extruded. Edwards fails to disclose the extruded layer made of an acrylate polymer.

Ruepping, as recited in column 8, lines 29-47, and column 17, lines 11-30, teaches the utility of *acrylate polymers* that can be extruded into/onto (an external surface of) elastomeric seals to create desired properties, i.e., a specific melting point, roughness, hardness, reinforcement, viscosity, and provide cross-linking agents to enhance reaction properties of a finished seal product. Therefore, to one of ordinary skill in the art, it would have been obvious, as a matter of design choice, to provide the seal of Edwards with an extruded layer made of acrylate polymers, so as to provide a seal with desired properties, i.e., a specific melting point, roughness, hardness, reinforcement, viscosity, and provide cross-linking agents to enhance reaction properties of a finished seal product.

Claims 3, 11, 16, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards in view of Ruepping as applied to claims 1, 2, 5-8, 10, 12-15, 17-20, 23, and 24 above, and further in view of Willett #6,849,310. Edwards fails to disclose a seal coating having a coloring agent. Willett teaches the utility of a composite weatherstrip/seal 10 having an exterior coating 60, which can be colored to match associated vehicle components. Therefore, to one of ordinary skill in the art, it would have been obvious, as a matter of design choice, to provide the seal of Edwards with a colored outer layer, as taught by Willett, so as to match associated vehicle components.

Allowable Subject Matter

Claims 4, 9, and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The primary reason for the allowable subject matter of claims 4 and 9, is the inclusion of the formation of a reaction product between acrylate polymers and glycidyl acrylate polymers that form a barrier effective to limit migration of polar agents from the body into the veneer. For claim 22, it is the inclusion of the EPDM containing a residual vulcanizing agent and the reaction product provides a barrier that inhibits migration of the vulcanizing agent into the veneer. The prior art of record fails to teach or suggest the claimed features absent the applicant's own disclosure.

Response to Arguments

Applicant's arguments filed in the Amendment of 11-22-05 have been fully considered but they are not persuasive. Applicant's attention is drawn to page 7 of the remarks. The Ruepping reference is cited to teach the general utility of "acrylate polymers" that can be extruded onto elastomeric seals. That the Ruepping reference is absent of a reference to "glycidyl acrylate polymer" does in no way affect its teaching of extruding "acrylate polymers" onto elastomeric seals. Further, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary

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skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). The same can be said for the Willett reference. The claims (3, 11, 16) in no way specify how the coloring agent is applied to the seal, only that it is present. Willett is cited to teach the general utility of coloring agents used on seals. As such, the rejection under Section 103 is deemed proper.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hugh B. Thompson II whose telephone number is (571) 272-6837. The examiner can normally be reached on Monday thru Friday 9 am to 5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hugh B. Thompson II
Primary Examiner
Art Unit 3634

February 6, 2006